

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

LANCE OWEN KING, JR.,)	
)	
Plaintiff,)	2:18-cv-1581
)	
v.)	
)	Judge Marilyn J. Horan
C/O FERREYRA, LT. NEWMAN,)	
C/O KOPKO, JANE DOE, JOHN)	
DOE, and PA. DEPT. OF CORRECTIONS,)	
)	
Defendants.)	


ORDER OF THE COURT

This case was originally referred to United States Magistrate Judge Maureen P. Kelly for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1)(A) and (B), and Rule 72 of the Local Rules for Magistrate Judges. On March 17, 2022, the Magistrate Judge issued a Report and Recommendation, recommending that this Court grant in part and deny in part Defendants’ Motion for Summary Judgment. (ECF No. 66). The parties were informed that written Objections to the Report and Recommendation were due by March 31, 2022 for registered ECF users and by April 4, 2022 for unregistered ECF users. (ECF No. 66). Neither party filed any written objections.

After thorough review of Judge Kelly’s Report and Recommendation, IT IS SO ORDERED that the Report and Recommendation will be adopted as the Opinion of this Court in its entirety. The Defendants’ Motion for Summary Judgment is granted in part and denied in part. The Defendants’ Motion for Summary Judgment is granted as to Plaintiff’s Eighth Amendment excessive use of force claims against Defendants Newman and Kopko but denied as to Defendant Ferreyra. The Defendants’ Motion for Summary Judgment is denied as to Plaintiff’s Eighth Amendment failure to protect claims against Defendants Newman and Kopko. The Defendants’ Motion for Summary Judgment is granted as to Plaintiff’s state law claims

against Defendant Ferreyra for sexual assault, sexual harassment, and assault and battery. The Defendants' Motion for Summary Judgment is granted as to Plaintiff's Fourth Amendment claims, his claims against the DOC, and his official capacity claims against the individual Defendants for abandonment.

DATE: April 12, 2022


Marilyn J. Horan
United States District Judge